IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO. 14429 of 2006

DATE OF DECISION : 11.9.2006

Rajinder Kumar and another

.....PETITIONERS

VERSUS

State of Haryana and others.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE M.M.S.BEDI

PRESENT: Mr.JS Yadav, Advocate for the petitioners.

M.M.KUMAR,J.

It is an admitted position that petitioner No.1 had earlier filed CWP No.1665 of 2005 which was disposed of on August 30,2005 (Annexure P-25) in terms of order passed in CWP No. 20066 of 2004 on the same day **(Krishan Kumar and others vs. State of Hayana and others)** wherein detailed directions were issued after examining the issue on merit. The opinion expressed by the Division Bench is that there are large number of petitioners and large number of private respondents and these matters would take years before they are completed for hearing. It has further been observed that the controversy with respect to the fact of the cases cannot be gone into by this Court in these proceedings under Article 226 of the Constitution. After observing in the aforementioned manner the Division Bench had issued directions to the respondents that Secretary, Education himself or a delegate of his choice, not less than the rank of Joint Secretary was to hear both the parties in the writ petition and pass appropriate order

in the circumstances of the case.

The petitioners were granted liberty to file a representation with respect to their claim within a period of 15 days from that date and equal amount of time has been granted to the respondents. A period of four months has been given to the officer concerned to complete the entire proceedings from the date the pleadings are complete. If the final order was to go against the respondents, then their services were not be terminated for a period of one month from the date the order is served on them.

In so far as petitioner No.2 is concerned, he was not a party to the aforementioned proceedings. We are of the firm view that once the aforementioned course has been adopted by the Division Bench, it will be just and appropriate to follow the same course in respect of his case as well. We accordingly dispose of the prayer made by petitioner No.2 in terms of order dated 30.8.2005. In respect of petitioner No.1 no further directions could be issued and his remedy appears to be to invoke the contempt jurisdiction of this Court, if there is any violation of order dated 30.8.2005 (Annexure P-25).

In view of the above, we dispose of this writ petition by granting a liberty to petitioner No.1 to avail the remedy of initiating contempt proceedings or avail any other remedy in accordance with law, if so advised.

(M.M.KUMAR)
JUDGE

September 11 ,2006 (M.M.S.BEDI)
TSM JUDGE